

REMARKS

Claims 8-21 were previously pending in the application. By the Amendment, the specification and Claims 9, 11, 13, 15, 16 and 18-21 are currently amended, and Claims 8, 10, 12, 14 and 17 remain unchanged. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The drawings were objected to for omitting reference numeral 11 described in the specification and for including reference numeral 5 not described in the specification. As recognized by the Examiner, the "guide rails" correspond with element 5 in the drawings. The specification has been correspondingly amended, and Applicant submits that amendments to the drawings are not necessary. Withdrawal of the objections is requested.

With regard to the informal matters referenced on pages 3-5 of the Office Action, the specification has been amended to include headings and to correct the noted informalities. Additionally, the claims have been amended to address the grammatical errors noted in the Office Action. Withdrawal of the objections is requested.

Claims 9, 13, 15 and 16 were rejected under 35 U.S.C. §112, second paragraph. The instances of insufficient antecedent basis have been amended herein. With regard to claim 13, Applicant respectfully submits that reference to "pigments" in claim 11 is irrelevant to the scope and clarity of claim 13 since claim 13 depends from claim 12, which depends from claim 8. Withdrawal of the rejection is respectfully requested.

Claims 8-10 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,113,206 to Melson et al. This rejection is respectfully traversed.

Melson discloses a refrigerator including a refrigerator shelf having an overflow volume by virtue of its shape. In particular, Melson disclose curved refrigerator shelves that represent a spherical surface segment. The convex refrigerator shelf of Melson's preferred embodiment is produced using

“conventional vending technologies” such as gravity sagging. Melson describes that the shelf is made of “glass or glass ceramic.”

In contrast with the Melson structure, the shelf area according to the claimed invention is formed of a ceramic material, which is distinguishable from a glass ceramic. As described throughout the specification, a problem with prior art glass shelves is their sensitivity to impact. As a consequence, such shelves need to be reinforced at least at the edges. See, for example, the specification at page 1, lines 8-16 and lines 28-34. A glass ceramic such as that disclosed in the Melson patent are, like glass, susceptible to fracture by impact. As described in the Melson patent, Melson utilizes glass or glass ceramic to facilitate manufacture of the required shelf shape. As such, the Melson structure is not suitable for the ceramic material of the claimed invention.

Applicant thus respectfully submits that the rejection of claim 8 is misplaced.

With regard to dependent claims 9 and 10, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) over Melson in view of U.S. Patent No. 5,179,045 to Aitken et al. This rejection is respectfully traversed.

Claim 11 recites that the shelf area contains pigments. Initially, Applicant submits that the Aitken patent does not correct the deficiencies noted above with regard to Melson. Additionally, Melson teaches away from any modification to the claimed ceramic material since the required shape of the shelves disclosed in Melson are particularly suited for glass or glass ceramic. Moreover, glass ceramics have no pores between crystals. As a consequence, the material is not suited for receiving pigments, and Applicant submits that Melson similarly teaches away from this modification.

Withdrawal of the rejection is requested.

Claims 12-14 were rejected under 35 U.S.C. §103(a) over Melson in view of U.S. Patent No. 5,783,506 to Eppler et al. This rejection is respectfully traversed.

Claim 12 recites that the ceramic material is provided with a glaze. As noted, since a glass ceramic has no pores between crystals, the material disclosed in Melson is not suited for such a glaze. Applicant submits that the Eppler patent thus does not correct the deficiencies noted above with regard to Melson, and Applicant submits that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim.

Withdrawal of the rejection is requested.

Claims 15-17 were rejected under 35 U.S.C. §103(a) over Melson in view of U.S. Patent No. 4,921,315 to Metcalfe et al. This rejection is respectfully traversed.

The Metcalfe patent is cited for the proposition of a ceramic pull-out box. Without conceding this characterization of the Metcalfe patent, with reference to the discussion above concerning claim 8, Applicant submits that Melson and Metcalfe lack at least the claimed shelf area made of a ceramic material. As discussed above, Melson rather discloses use of glass or glass ceramic. In an effort to clarify this distinction, claim 15 has been amended to reference a "non-glass" ceramic material. Support for this amendment can be found in the specification at, for example, page 1, lines 30-34 (see also page 1, lines 8-14). Applicant thus respectfully submits that the rejection is misplaced.

With regard to dependent claims 16 and 17, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 18 was rejected under 35 U.S.C. §103(a) over Melson in view of Metcalfe and Aitken. Initially, Applicant submits that dependent claim 18 is allowable at least by virtue of its dependency on an allowable independent claim. Moreover, with reference to the discussion above regarding claim 11, since Melson discloses the use of glass or glass ceramic, Melson in fact teaches away from any modification to utilize a non-glass ceramic material. That is, the material used in Melson is necessary to form the concave shape of its disclosed shelves. As such, those of ordinary skill in the art would not look to modify the Melson structure as such modifications would contradict the express teachings of the Melson patent. Withdrawal of the rejection is requested.

Claims 19-21 were rejected under 35 U.S.C. §103(a) over Melson in view of Metcalfe and Eppler. Applicant submits that the Eppler patent does not correct the deficiencies noted above with regard to Melson and Metcalfe, and as a consequence, Applicant submits that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejection is requested.


In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 8-21 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Howard', is written over the printed name.

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